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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,362	09/30/2003	John P. Miller	F-746	5976

7590 12/29/2004		EXAMINER

Pitney Bowes Inc.
Intellectual Property & Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER
FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The terminal disclaimer filed on 10/13/04 disclaiming the terminal portion of any

patent granted on this application which would extend beyond the expiration date of ***

has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,8,11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated

by Fowlkes (US Patent 6,361,163).

Regarding claims 1 and 11, Fowlkes teaches a transport path conveying a series

of documents at a print velocity (44,46), an upstream print head (70a) contiguous with

the transport to print on documents transported thereon, a downstream print head (70b),

downstream of the upstream print head, and contiguous with transport to print on

documents transported thereon (Figure 7) and a controller (220) controlling a first one of

the upstream or downstream print heads to print on transported documents (30/40), the

controller further switching to a second of the upstream or downstream print heads

when the first one is out of service (Column 7, Lines 34-44).

Regarding claims 8 and 18, Fowlkes teaches wherein the controller switches

from using the first print head to the second print head when a failure is detected in the

first print head (Column 7, Lines 34-44).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-7,9,10,12-17,19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fowlkes (US Patent 6,361,163) in view of Hayashi et (US Patent

5,829,895).

Regarding claims 2 and 12, Fowlkes teaches the method and apparatus claimed,

however he does not explicitly disclose documents that are mail pieces and a postage

meter coupled to the print heads, whereby postal indicia are printed on the mail pieces.

Hayashi et al. teaches a method for printing indicia that discloses postal indicia that are

printed on mail pieces and a postage meter coupled to a print head (Column 3, Lines

33-41).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the invention as taught by Fowlkes to include postal

indicia printed on mail pieces and a postage meter as taught by Hayashi et al., since

Hayashi et al. produces a visually appealing and a clearly readable image.

Regarding claims 3,7,13 and 17, Fowlkes teaches drop-on-demand ink jet print heads (70a, 70b,Abstract and Column 4, Lines 51-64).

Regarding claims 4 and 14, Fowlkes teaches a printer that comprises a controller that performs maintenance operations periodically such as taking a print head that is in use out of service (Column 7, Lines 34-44).

Regarding claims 5,6,15 and 16, Fowlkes teaches the method and apparatus claimed, however he does not explicitly disclose wherein the maintenance operation is a print head wipe and print head purge. Hayashi et al. teaches wiping and purging during maintenance operations (Column 4, Lines 7-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention as taught by Fowlkes to include purging and wiping during maintenance operations as taught by Hayashi et al., since Hayashi et al. teaches that it is advantageous to purge and wipe in order to provide a debris free print head.

Regarding claims 9 and 19, Fowlkes teaches the method and apparatus claimed including a controller (220) that triggers print heads (70a,b). However, he does not explicitly disclose a sensor that detects a document approaching print heads. Hayashi et al. teaches a microswitch detector that alerts the printing mechanism when a mail piece is present (Column 4, Lines 11-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention as taught by Fowlkes to include a sensor as taught by Hayashi et al., since Hayashi et al. teaches it is advantageous to detect the presence of a mail piece in order to properly position the print mechanism for printing a clear, concise image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854

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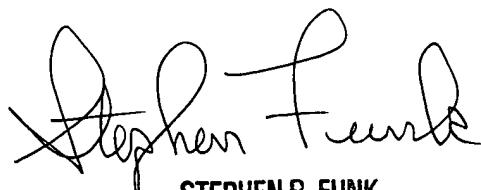
STEPHEN R. FUNK
PRIMARY EXAMINER